

Docket No. SP-1270 US

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Theodore M. Wong

Examiner:

Anthony J. Weier

Serial No.: 10/797,442

Art Unit:

1761

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For

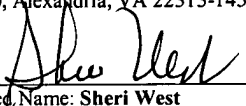
PHYTASE-TREATED ACID STABLE SOY PROTEIN PRODUCTS

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I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

By


Typed Name: Sheri West

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR §1.132

Dear Sir:

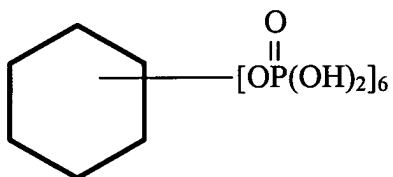
Theodore M. Wong declares as follows:

1. I am an inventor of the subject matter of the above identified patent application.
2. I received a Bachelor of Arts Degree in Biology from Greensboro College in May, 1974, a Masters Degree in Microbiology from the University of Texas at Arlington in May 1976 and a Ph.D. Degree in Food Science/Food Biochemistry from Louisiana State University in May, 1982.

3. I have been employed by Solae, LLC, previously known as Protein Technologies International, Inc., since August 19, 1985, and currently hold the position of Senior Research Director, Product Development R&D.

4. I am very familiar with the products disclosed in paragraph 30 of Shen (US Patent Application Publication No. 2004/0258827. These soy protein products are SUPRO[®] PLUS 675, FXP 950, FXP HO120, SUPRO[®] XT 40, SUPRO[®] 710, SUPRO[®] 720, ALPHA[™] 5800, ALPHA[™] 5812, and ALPHA[™] 5811. All of these products contain a minimum of 1.5% phytic acid.

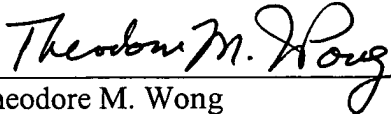
5. Phytic acid is represented by the below Formula I.



and the molecular weight is 660.

6. A 1.5% level of phytic acid means that 1.5 grams phytic acid is present in a 100 gram protein sample and that the 100 gram protein sample is 98.5 grams non-phytic acid protein. The 1.5 grams phytic acid divided by its molecular weight of 660 represents 2.27×10^{-3} moles per 98.5 grams of protein or 23 $\mu\text{mol/g}$ protein.

7. The 23 $\mu\text{mol/g}$ protein of a 1.5% phytic acid in protein is about 3 times greater than what is claimed in the claims of the present invention.


Theodore M. Wong

Date: January 26, 2006